



# **MINUTES**

## **Board of Zoning Appeals**

December 17, 2008

4:00 P.M.

City Hall, Council Chambers  
Fredericksburg, Virginia

<b><u>MEMBERS PRESENT</u></b>	<b><u>MEMBERS ABSENT</u></b>	<b><u>STAFF</u></b>
Ricardo Rigual, Chair		Raymond Ocel Jr., Zoning Administrator
Richard Conway, Vice Chair		Debra M. Ward, Zoning Officer
Helen Ross		Sheree Waddy, Recording Secretary
Janet Sokol		
Roy Gratz		

Mr. Rigual called the meeting to order at 4:00 p.m.

### **Public Hearing Item**

1. **Appeal of a Zoning Administrator's decision** in regard to a decision rendered on November 12, 2008. The Zoning Administrator issued an opinion in regard to the number of existing lots located at the northwest corner of the intersection of Hanover and Littlepage Street. The Zoning Administrator, in issuing the opinion determined only one lot exists at this location. The appellant disagreed with the Zoning Administrator's opinion and is appealing the decision to the Board of Zoning Appeals.

Mr. Rigual explained that the appellant, Properties by US, LLC, represented by their attorney, H. Clark Lemming, requested that the hearing for the appeal be deferred to the regularly scheduled meeting on January 26, 2009. In addition, the appellant waived the 90-day time limitation for the BZA to act, pursuant to Virginia Code Section 15.2-2212.

Mr. Conway made a motion to defer hearing the appeal of a Zoning Administrator's decision in regard to the number of existing lots located at the northwest corner of the intersection of Hanover and Littlepage Street. Mr. Gratz seconded. The motion carried unanimously.

### **Other Business**

2. **V08-09:** Variance from Zoning Ordinance section 78-245, 901 Hanover Street, zoned R-4, Residential, to reduce the front yard requirement from 30 feet to 15 feet, to reduce the left side yard setback from 10 feet to 3.6 feet, to reduce the yard setback on Littlepage Street from 30 feet to 9.1 feet, and to reduce the rear yard setback from 25 feet to 16 feet for construction of a detached single-family dwelling.

Mr. Rigual explained that the appellant, Properties by US, LLC, represented by their attorney, H. Clark Lemming, requested that the hearing for a variance request be deferred to the regularly

scheduled meeting in January 2009. Mr. Gratz made a motion to defer action on the requested variance, V08-09, until the regularly scheduled meeting on January 26, 2009. Mr. Rigual seconded. The motion carried unanimously.

Mr. Rigual noted that for variance request V08-09 the applicants had also waived the 90-day time limitation for the BZA to act, pursuant to Virginia Code Section 15.2-2212.

Ms. Sokol stated that she would recuse herself from any further hearings regarding the property located at the northwest corner of the intersection of Hanover and Littlepage Street. She said one of the interested parties had retained Kevin Jones of her husband's firm, Jones and Sokol, which could be perceived as a conflict of interest.

### **APPROVAL OF MINUTES**

Mr. Rigual asked if there were any changes to the minutes for October 20, 2008 and November 17, 2008.

Ms. Ross motioned that approval of minutes for October 20, 2008 and November 17, 2008 be deferred to the January 26, 2009 meeting. Mr. Rigual seconded. The motion carried unanimously.

The meeting adjourned at 4:10 p.m.



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Ricardo Rigual, Chair